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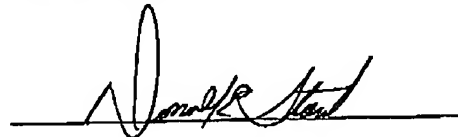
To: Hon. Commissioner of Patents
Attn: Examiner Saba Tsegaye
Group: 2662

From: Donald E. Stout**Fax: (703) 872-9306****Pages: 19 pgs.****Phone: (703) 308-4745****Date: June 21, 2004****Re: U.S. Serial No. 10/025,609****CC:****Filed: December 26, 2001****ATS&K Ref: 730.39974X00**

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

I hereby certify that the following documents: (1) Fee Transmittal, (2) Credit Card Payment form, (3) Petition for Extension of Time - 2 Mos., and (4) "Amendment Pursuant to 37 C.F.R. §1.116" (15 pages) are being facsimiled to the Patent and Trademark Office (Fax No. 703/ 872-9306 on June 21, 2004.



Donald E. Stout

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PTO/SB/17 (10-03)

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 420.00)

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number: 01-2135
Deposit Account Name: Antonelli, Terry, Stout & Kraus, LLPThe Director is authorized to: (check all that apply)
☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application.☐ Charge fee(s) indicated below, except for the filing fee to the above identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Code	Large Entity Fee (\$)	Small Entity Code	Small Entity Fee (\$)	Fee Description
1001	770	2001	385	Utility filing fee
1002	340	2002	170	Design filing fee
1003	530	2003	265	Plant filing fee
1004	770	2004	385	Reissue filing fee
1005	180	2005	80	Provisional filing fee

SUBTOTAL (1)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
39	-38** = 0	x	=
Indep. Claims	3	-3** = 0	x
Multiple Dependent			=

Large Entity, Small Entity

Large Entity Code	Large Entity Fee (\$)	Small Entity Code	Small Entity Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	88	2204	43	Reissue independent claims over original patent
1205	18	2205	9	Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$

**or number previously paid, if greater. For Reissues, see above.

Complete If Known

Application Number	10/025,609
Filing Date	December 26, 2001
First Named Inventor	Liangchi Alan HSU
Examiner Name	Saba Tsegaya
Art Unit	2662
Attorney Docket No.	730.39974X00

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity, Small Entity

Large Entity Code	Large Entity Fee (\$)	Small Entity Code	Small Entity Fee (\$)	Fee Description
1031	150	2031	65	Surcharge - late filing fee or oath
1032	50	2032	25	Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for ex parte reexamination
1804	820*	1804	920*	Requesting publication of SIR prior to Examination action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	110	2251	55	Extension for reply within first month
1252	420	2252	210	Extension for reply within second month
1253	950	2253	475	Extension for reply within third month
1254	1,480	2254	740	Extension for reply within fourth month
1255	2,010	2255	1,005	Extension for reply within fifth month
1401	330	2401	165	Notice of Appeal
1402	330	2402	165	Filing a brief in support of an appeal
1403	280	2403	145	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	110	2452	55	Petition to revive - unavoidable
1453	1,330	2453	665	Petition to revive - unintentional
1501	1,330	2501	665	Utility issue fee (or release)
1502	480	2502	240	Design issue fee
1503	640	2503	320	Plant issue fee
1406	130	1460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1808	180	1808	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	770	2509	385	Filing a submission after final rejection (37 CFR § 1.129(a))
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))
1801	770	2801	385	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

420.00

SUBMITTED BY

Name (Print/Type) Donald E. Stout

Signature

Registration No. (Attorney/Agent)

26,422

Telephone

703-312-6600

Date

06/21/2004

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JUN 21 2004

Applicant(s): Liangchi Alan HSU

Serial No.: 10/025,609

Filed: December 26, 2001

For: METHOD AND APPARATUS OF SCHEDULING
AND MODULATION/CODING SELECTION FOR
SUPPORTING QUALITY OF SERVICE IN
CDMA2000-1XEV-DV SYSTEM

Art Unit: 2662

Examiner: Saba Tsegaye

**AMENDMENT PURSUANT TO 37 C.F.R. §1.116 --
EXPEDITED PROCEDURE -- EXAMINING GROUP 2662****MAIL STOP AF**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 21, 2004

Sir:

This is in response to the Final Rejection of January 21, 2004. Please
amend the above-identified application as listed below and as set forth on the
following pages:

Amendments to the Claims

Remarks are included following the amendments